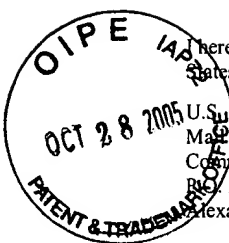


16 44



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PATENT
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On October 26, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: *Susan Jensen*
Susan Jensen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Stefan MILTENYI et al.

Serial No.: 08/416,920

Filing Date: April 21, 1995

For: DIRECT SELECTION OF CELLS BY
SECRETION PRODUCT

Examiner: R. Schwadron

Group Art Unit: 1644

RESPONSE TO NOTICE
UNDER 37 CFR 1.251

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice Under 37 CFR 1.251 dated April 14, 2005 (copy attached) enclosed are copies of the references missing from the Office's file in the above-referenced application. These references were originally listed on forms 892 (list of references cited by the Examiner) and on 1449 (list of references cited by Applicant and considered by the Examiner) dated February 2, 1997.

Date: 10/26/2005

Respectfully submitted,

Randolph Ted Apple
Randolph Ted Apple
Reg. No. 36,429

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
60606113 v1



PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

08/416,920

Filing Date

April 21, 1995

First Named Inventor

MILTENYI, Stefan

Art Unit

1644

Examiner Name

R. Schwadron

Attorney Docket Number

022370-000210US

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached

Amendment/Reply - Response to
Notice Under 37 CFR 1.251 (1 pg)

After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement

Certified Copy of Priority
Document(s)Reply to Missing Parts/ Incomplete
ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):Copy of Notice - PTO Doc Code
R251.RES (1 pg);Copy of forty-three (43 references*); and
Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit
Account 20-1430.

*References not included in total number of pages in this submission.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Randolph Ted Apple

Date

October 26, 2005

Reg. No.

36,429

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Susan Jensen

Date

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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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In re Application of: STEFAN MILTENYI et al.
Application No.: 08416920
Filing Date: 04/21/1995
Title: DIRECT SELECTION OF CELLS BY SECRETION PRODUCT

Direct to: U. S. Patent and Trademark Office
Mail Stop: Duplicates
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above identified application.

10/10/05
Date

[Signature]
Signature

RANDOLPH Apple
Typed or printed name

A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.